

**House File 2193 - Reprinted**

HOUSE FILE 2193  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 520)

(As Amended and Passed by the House March 10, 2010)

**A BILL FOR**

1 An Act relating to emergency medical care providers, emergency  
2 medical care service programs and emergency medical care  
3 services training programs, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 85.36, subsection 9, paragraph a, Code  
2 2009, is amended to read as follows:

3 a. In computing the compensation to be allowed a volunteer  
4 fire fighter, emergency medical care provider, reserve peace  
5 officer, volunteer ambulance driver, ~~volunteer emergency rescue~~  
6 ~~technician as defined in section 147A.1, or emergency medical~~  
7 ~~technician trainee~~, the earnings as a fire fighter, emergency  
8 medical care provider, reserve peace officer, or volunteer  
9 ambulance driver, ~~volunteer emergency rescue technician, or~~  
10 ~~emergency medical technician trainee~~ shall be disregarded and  
11 the volunteer fire fighter, emergency medical care provider,  
12 reserve peace officer, or volunteer ambulance driver, ~~volunteer~~  
13 ~~emergency rescue technician, or emergency medical technician~~  
14 ~~trainee~~ shall be paid an amount equal to the compensation  
15 the volunteer fire fighter, emergency medical care provider,  
16 reserve peace officer, or volunteer ambulance driver, ~~volunteer~~  
17 ~~emergency rescue technician, or emergency medical technician~~  
18 ~~trainee~~ would be paid if injured in the normal course of the  
19 volunteer fire fighter's, emergency medical care provider's,  
20 reserve peace officer's, or volunteer ambulance driver's,  
21 ~~volunteer emergency rescue technician's, or emergency medical~~  
22 ~~technician trainee's~~ regular employment or an amount equal to  
23 one hundred and forty percent of the statewide average weekly  
24 wage, whichever is greater.

25 Sec. 2. Section 85.61, subsection 2, paragraph a, Code 2009,  
26 is amended to read as follows:

27 a. A person, firm, association, or corporation, state,  
28 county, municipal corporation, school corporation, area  
29 education agency, township as an employer of volunteer fire  
30 fighters, ~~volunteer emergency rescue technicians~~, and emergency  
31 medical care providers only, benefited fire district, and the  
32 legal representatives of a deceased employer.

33 Sec. 3. Section 85.61, subsection 7, paragraph b, Code 2009,  
34 is amended to read as follows:

35 b. Personal injuries sustained by ~~volunteer emergency~~

1 ~~rescue technicians or~~ emergency medical care providers as  
2 defined in section 147A.1 arise in the course of employment  
3 if the injuries are sustained at any time from the time the  
4 ~~volunteer emergency rescue technicians or~~ emergency medical  
5 care providers are summoned to duty until the time those duties  
6 have been fully discharged.

7 Sec. 4. Section 85.61, subsection 11, paragraph a,  
8 subparagraph (2), Code 2009, is amended to read as follows:

9 (2) An emergency medical care provider as defined in section  
10 147A.1, ~~a volunteer emergency rescue technician as defined~~  
11 ~~in section 147A.1, or~~ a volunteer ambulance driver, ~~or an~~  
12 ~~emergency medical technician trainee~~, only if an agreement  
13 is reached between such worker or employee and the employer  
14 for whom the volunteer services are provided that workers'  
15 compensation coverage under this chapter and chapters 85A and  
16 85B is to be provided by the employer. An emergency medical  
17 care provider ~~or volunteer emergency rescue technician~~ who  
18 is a worker or employee under this subparagraph is not a  
19 casual employee. "*Volunteer ambulance driver*" means a person  
20 performing services as a volunteer ambulance driver at the  
21 request of the person in charge of a fire department or  
22 ambulance service of a municipality. "~~Emergency medical~~  
23 ~~technician trainee~~" ~~means a person enrolled in and training for~~  
24 ~~emergency medical technician certification.~~

25 Sec. 5. Section 100B.31, subsection 3, paragraph b, Code  
26 Supplement 2009, is amended to read as follows:

27 b. A person performing the functions of an emergency  
28 medical care provider ~~or emergency rescue technician~~ as defined  
29 in section 147A.1 who was not paid full-time by the entity  
30 for which such services were being performed at the time the  
31 incident giving rise to the death occurred.

32 Sec. 6. Section 147A.1, subsection 4, Code Supplement 2009,  
33 is amended to read as follows:

34 4. "*Emergency medical care provider*" means an individual  
35 trained to provide emergency and nonemergency medical

1 care at the ~~first-responder, EMT-basic, EMT-intermediate,~~  
 2 ~~EMT-paramedic-level,~~ emergency medical responder, emergency  
 3 medical technician, advanced emergency medical technician,  
 4 paramedic, or other certification levels adopted by rule by  
 5 the department, who has been issued a certificate by the  
 6 department.

7 Sec. 7. Section 147A.1, subsections 6, 8, and 9, Code  
 8 Supplement 2009, are amended by striking the subsections.

9 Sec. 8. Section 147A.1, Code Supplement 2009, is amended by  
 10 adding the following new subsections:

11 NEW SUBSECTION. 11. "*Service program*" or "*service*" means  
 12 any medical care ambulance service or nontransport service that  
 13 has received authorization from the department under section  
 14 147A.5.

15 NEW SUBSECTION. 12. "*Training program*" means an Iowa  
 16 college approved by the north central association of colleges  
 17 and schools or an Iowa hospital authorized by the department to  
 18 conduct emergency medical care services training.

19 Sec. 9. Section 147A.2, Code 2009, is amended to read as  
 20 follows:

21 **147A.2 Council established — terms of office.**

22 1. An EMS advisory council shall be appointed by the  
 23 director. Membership of the council shall be comprised of  
 24 individuals nominated from, but not limited to, the following  
 25 state or national organizations: Iowa osteopathic medical  
 26 association, Iowa medical society, American college of  
 27 emergency physicians, Iowa physician assistant society, Iowa  
 28 academy of family physicians, university of Iowa hospitals  
 29 and clinics, American academy of emergency medicine, American  
 30 academy of pediatrics, Iowa EMS association, Iowa firemen's  
 31 association, Iowa professional firefighters, EMS education  
 32 programs committee, ~~EMS-regional-council,~~ Iowa nurses  
 33 association, Iowa hospital association, and the Iowa state  
 34 association of counties. The council shall also include a  
 35 member-at-large who is an emergency medical care provider.

1     2. The EMS advisory council shall advise the director and  
2 develop policy recommendations concerning the regulation,  
3 administration, and coordination of emergency medical services  
4 in the state.

5     Sec. 10. Section 147A.4, Code Supplement 2009, is amended  
6 to read as follows:

7     **147A.4 Rulemaking authority.**

8     1. *a.* The department shall adopt rules required or  
9 authorized by this subchapter pertaining to the operation  
10 of ~~ambulance, rescue, and first response services~~ service  
11 programs which have received authorization under section 147A.5  
12 to utilize the services of certified emergency medical care  
13 providers. These rules shall include but need not be limited  
14 to requirements concerning physician supervision, necessary  
15 equipment and staffing, and reporting by ~~ambulance, rescue, and~~  
16 ~~first response services~~ service programs which have received  
17 the authorization pursuant to section 147A.5.

18     *b.* The director, pursuant to rule, may grant exceptions and  
19 variances from the requirements of rules adopted under this  
20 subchapter for any ~~ambulance, rescue, or first response~~ service  
21 program. Exceptions or variations shall be reasonably related  
22 to undue hardships which existing services experience in  
23 complying with this subchapter or the rules adopted pursuant  
24 to this subchapter. ~~However, no exception or variance may~~  
25 ~~be granted unless the service adopted a plan approved by the~~  
26 ~~department prior to July 1, 1996, to achieve compliance during~~  
27 ~~a period not to exceed seven years with this subchapter and~~  
28 ~~rules adopted pursuant to this subchapter.~~ Services requesting  
29 exceptions and variances shall be subject to other applicable  
30 rules adopted pursuant to this subchapter.

31     2. The department shall adopt rules required or authorized  
32 by this subchapter pertaining to the examination and  
33 certification of emergency medical care providers. These  
34 rules shall include, but need not be limited to, requirements  
35 concerning prerequisites, training, and experience for

1 emergency medical care providers and procedures for determining  
 2 when individuals have met these requirements. The department  
 3 shall adopt rules to recognize the previous EMS training  
 4 and experience of ~~first responders and emergency medical~~  
 5 ~~technicians to provide for an equitable transition to the~~  
 6 ~~EMT-basic certification~~ emergency medical care providers  
 7 transitioning to the emergency medical responder, emergency  
 8 medical technician, advanced emergency medical technician,  
 9 and paramedic levels. The department may require additional  
 10 training and examinations as necessary and appropriate to  
 11 ensure that individuals seeking ~~certification~~ transition to  
 12 another level have met the ~~EMT-basic~~ knowledge and skill  
 13 requirements. All requirements for transition to another  
 14 level, including fees, shall be adopted by rule.

15 3. The department shall establish the fee for the  
 16 examination of the emergency medical care providers to cover  
 17 the administrative costs of the examination program.

18 4. The department shall adopt rules required or authorized  
 19 by this subchapter pertaining to the operation of training  
 20 programs. These rules shall include but need not be limited  
 21 to requirements concerning curricula, resources, facilities,  
 22 and staff.

23 Sec. 11. Section 147A.5, subsections 1 and 3, Code 2009, are  
 24 amended to read as follows:

25 1. ~~An ambulance, rescue, or first response~~ A service  
 26 program in this state that desires to provide emergency  
 27 medical care in the out-of-hospital setting shall apply to  
 28 the department for authorization to establish a program for  
 29 delivery of the care at the scene of an emergency, during  
 30 transportation to a hospital, during transfer from one medical  
 31 care facility to another or to a private residence, or while in  
 32 the hospital emergency department, and until care is directly  
 33 assumed by a physician or by authorized hospital personnel.

34 3. The department may deny an application for  
 35 authorization, or may impose a civil penalty not to exceed

1 one thousand dollars upon, place on probation, suspend, or  
 2 revoke the authorization of, or otherwise discipline a service  
 3 program with an existing authorization if the department  
 4 finds reason to believe the service program has not been or  
 5 will not be operated in compliance with this subchapter and  
 6 the rules adopted pursuant to this subchapter, or that there  
 7 is insufficient assurance of adequate protection for the  
 8 public. The authorization, denial, or civil penalty, period  
 9 of probation, suspension, or revocation, or other disciplinary  
 10 action shall be effected and may be appealed as provided by  
 11 section 17A.12.

12 Sec. 12. Section 147A.6, Code 2009, is amended to read as  
 13 follows:

14 **147A.6 Emergency medical care provider certificates —**  
 15 **renewal.**

16 1. The department, upon application and receipt of the  
 17 prescribed fee, shall issue a certificate to an individual  
 18 who has met all of the requirements for emergency medical  
 19 care provider certification established by the rules adopted  
 20 under section 147A.4, subsection 2. All fees and civil  
 21 penalties received pursuant to this section and sections  
 22 147A.5, 147A.7, and 147A.17 shall be deposited in the emergency  
 23 medical services fund established in section 135.25.

24 2. Emergency medical care provider certificates are valid  
 25 for the multiyear period determined by the department, unless  
 26 sooner suspended or revoked. The certificate shall be renewed  
 27 upon application of the holder and receipt of the prescribed  
 28 fee if the holder has satisfactorily completed continuing  
 29 medical education programs as required by rule.

30 3. If the certificate holder fails to complete the  
 31 required continuing education prior to the time of renewal,  
 32 the certificate holder may request a forty-five day extension.  
 33 Request for extension must be submitted to the department  
 34 prior to the expiration date and include a fifty dollar  
 35 extension fee. The certificate may be renewed only during that

1 forty-five day period on submission of a completed renewal  
2 application, and payment of applicable renewal fee.

3 Sec. 13. Section 147A.7, Code 2009, is amended to read as  
4 follows:

5 **147A.7 Denial, suspension, or revocation of certificates —**  
6 **other disciplinary action — hearing — appeal.**

7 1. The department may deny an application for issuance or  
8 renewal of an emergency medical care provider certificate or  
9 may impose a civil penalty not to exceed one thousand dollars  
10 upon, place on probation, or suspend or revoke the certificate  
11 of, or otherwise discipline the certificate holder when it  
12 finds that the applicant or certificate holder is guilty of any  
13 of the following acts or offenses:

14 a. Negligence in performing authorized services.

15 b. Failure to follow the directions of the supervising  
16 physician.

17 c. Rendering treatment not authorized under this subchapter.

18 d. Fraud in procuring certification.

19 e. Professional incompetency.

20 f. Knowingly making misleading, deceptive, untrue or  
21 fraudulent representation in the practice of a profession  
22 or engaging in unethical conduct or practice harmful or  
23 detrimental to the public. Proof of actual injury need not be  
24 established.

25 g. Habitual intoxication or addiction to the use of drugs.

26 h. Fraud in representations as to skill or ability.

27 i. Willful or repeated violations of this subchapter or of  
28 rules adopted pursuant to this subchapter.

29 j. Violating a statute of this state, another state, or  
30 the United States, without regard to its designation as either  
31 a felony or misdemeanor, which relates to the practice of an  
32 emergency medical care provider. A copy of the record of  
33 conviction or plea of guilty is conclusive evidence of the  
34 violation.

35 k. Having certification to practice as an emergency



1 medical care provider revoked or suspended, or having other  
2 disciplinary action taken by a licensing or certifying  
3 authority of another state, territory, or country. A certified  
4 copy of the record or order of suspension, revocation, or  
5 disciplinary action is conclusive or prima facie evidence.

6 1. Other acts or offenses as specified by rule.

7 2. A determination of mental incompetence by a court of  
8 competent jurisdiction automatically suspends a certificate for  
9 the duration of the certificate unless the department orders  
10 otherwise.

11 3. A denial, civil penalty, period of  
12 probation, suspension, or revocation under this section shall  
13 be effected, and may be appealed in accordance with the rules  
14 of the department established pursuant to chapter 272C.

15 Sec. 14. Section 147A.8, Code Supplement 2009, is amended  
16 to read as follows:

17 **147A.8 Authority of certified emergency medical care**  
18 **provider.**

19 ~~1.~~ An emergency medical care provider properly certified  
20 under this subchapter may:

21 ~~a.~~ 1. Render emergency and nonemergency medical care,  
22 rescue, and lifesaving services in those areas for which the  
23 emergency medical care provider is certified, as defined and  
24 approved in accordance with the rules of the department, at  
25 the scene of an emergency, during transportation to a hospital  
26 or while in the hospital emergency department, and until care  
27 is directly assumed by a physician or by authorized hospital  
28 personnel.

29 ~~b.~~ 2. Function in any hospital or any other entity in which  
30 health care is ordinarily provided only when under the direct  
31 supervision, as defined by rules adopted pursuant to chapter  
32 17A, of a physician, when the emergency care provider is any  
33 of the following:

34 ~~{1}~~ a. Enrolled as a student or participating as a  
35 preceptor in a training program approved by the department;

1 ~~or~~ or an agency authorized in another state to provide initial  
2 EMS education and approved by the department.

3     ~~(2)~~ b. Fulfilling continuing education requirements as  
4 defined by rule; ~~or.~~

5     ~~(3)~~ c. Employed by or assigned to a hospital or other  
6 entity in which health care is ordinarily provided only when  
7 under the direct supervision of a physician, as a member of  
8 an authorized ~~ambulance, rescue, or first response~~ service  
9 program, or in an individual capacity, by rendering lifesaving  
10 services in the facility in which employed or assigned pursuant  
11 to the emergency medical care provider's certification  
12 and under the direct supervision of a physician, physician  
13 assistant, or registered nurse. An emergency medical care  
14 provider shall not routinely function without the direct  
15 supervision of a physician, physician assistant, or registered  
16 nurse. However, when the physician, physician assistant, or  
17 registered nurse cannot directly assume emergency care of  
18 the patient, the emergency medical care provider may perform  
19 without direct supervision emergency medical care procedures  
20 for which that individual is certified if the life of the  
21 patient is in immediate danger and such care is required to  
22 preserve the patient's life; ~~or.~~

23     ~~(4)~~ d. Employed by or assigned to a hospital or other  
24 entity in which health care is ordinarily provided only when  
25 under the direct supervision of a physician, as a member of  
26 an authorized ~~ambulance, rescue, or first response~~ service  
27 program, or in an individual capacity, to perform nonlifesaving  
28 procedures for which those individuals have been certified and  
29 are designated in a written job description. Such procedures  
30 may be performed after the patient is observed by and when the  
31 emergency medical care provider is under the supervision of the  
32 physician, physician assistant, or registered nurse, including  
33 when the registered nurse is not acting in the capacity of a  
34 physician designee, and where the procedure may be immediately  
35 abandoned without risk to the patient.

1     ~~2. Nothing in this subchapter shall be construed to require~~  
2 ~~any voluntary ambulance, rescue, or first response service to~~  
3 ~~provide a level of care beyond minimum basic care standards.~~

4     Sec. 15. Section 147A.11, Code 2009, is amended to read as  
5 follows:

6     **147A.11 Prohibited acts.**

7     1. Any person not certified as required by this subchapter  
8 who claims to be an emergency medical care provider, or who  
9 uses any other term to indicate or imply that the person is an  
10 emergency medical care provider, or who acts as an emergency  
11 medical care provider without having obtained the appropriate  
12 certificate under this subchapter, is guilty of a class "D"  
13 felony.

14     2. An owner of an unauthorized ~~ambulance, rescue, or~~  
15 ~~first response~~ service program in this state who operates  
16 or purports to operate ~~an ambulance, rescue, or first~~  
17 ~~response~~ a service program, or who uses any term to indicate  
18 or imply authorization without having obtained the appropriate  
19 authorization under this subchapter, is guilty of a class "D"  
20 felony.

21     3. Any person who imparts or conveys, or causes to be  
22 imparted or conveyed, or attempts to impart or convey false  
23 information concerning the need for assistance of ~~an ambulance,~~  
24 ~~rescue, or first response~~ a service program or of any personnel  
25 or equipment thereof, knowing such information to be false, is  
26 guilty of a serious misdemeanor.

27     Sec. 16. Section 147A.12, subsection 1, Code 2009, is  
28 amended to read as follows:

29     1. This subchapter does not restrict a registered nurse,  
30 licensed pursuant to chapter 152, from staffing an authorized  
31 ~~ambulance, rescue, or first response~~ service program provided  
32 the registered nurse can document equivalency through education  
33 and additional skills training essential in the delivery of  
34 out-of-hospital emergency care. The equivalency shall be  
35 accepted when:

1     a. Documentation has been reviewed and approved at the local  
2 level by the medical director of the ~~ambulance, rescue, or~~  
3 ~~first-response~~ service program in accordance with the rules of  
4 the board of nursing developed jointly with the department.

5     b. Authorization has been granted to that ~~ambulance, rescue,~~  
6 ~~or first-response~~ service program by the department.

7     Sec. 17. Section 147A.13, Code 2009, is amended to read as  
8 follows:

9     **147A.13 Physician assistant exception.**

10     This subchapter does not restrict a physician assistant,  
11 licensed pursuant to chapter 148C, from staffing an authorized  
12 ~~ambulance, rescue, or first-response~~ service program if the  
13 physician assistant can document equivalency through education  
14 and additional skills training essential in the delivery of  
15 out-of-hospital emergency care. The equivalency shall be  
16 accepted when:

17     1. Documentation has been reviewed and approved at the local  
18 level by the medical director of the ~~ambulance, rescue, or~~  
19 ~~first-response~~ service program in accordance with the rules of  
20 the board of physician assistants developed after consultation  
21 with the department.

22     2. Authorization has been granted to that ~~ambulance,~~  
23 ~~rescue, or first-response~~ service program by the department.

24     Sec. 18. NEW SECTION. **147A.17 Applications for emergency**  
25 **medical care services training programs — approval or denial —**  
26 **disciplinary actions.**

27     1. An Iowa college approved by the north central association  
28 of colleges and schools or an Iowa hospital in this state that  
29 desires to provide emergency medical care services training  
30 leading to certification as an emergency medical care provider  
31 shall apply to the department for authorization to establish a  
32 training program.

33     2. The department shall approve an application submitted in  
34 accordance with subsection 1 when the department is satisfied  
35 that the program proposed by the application will be operated

1 in compliance with this subchapter and the rules adopted  
2 pursuant to this subchapter.

3 3. The department may deny an application for authorization  
4 or may impose a civil penalty not to exceed one thousand  
5 dollars upon, place on probation, suspend or revoke the  
6 authorization of, or otherwise discipline a training program  
7 with an existing authorization if the department finds reason  
8 to believe the program has not been or will not be operated in  
9 compliance with this subchapter and the rules adopted pursuant  
10 to this subchapter, or that there is insufficient assurance of  
11 adequate protection for the public. The authorization denial,  
12 civil penalty, period of probation, suspension, or revocation,  
13 or other disciplinary action shall be effected and may be  
14 appealed as provided by section 17A.12.

15 Sec. 19. Section 321.267A, subsection 5, Code 2009, is  
16 amended to read as follows:

17 5. For the purposes of this section, "*other emergency*  
18 *responder*" means a fire fighter certified as a fire fighter  
19 pursuant to rules adopted under chapter 100B and trained  
20 in emergency driving or an emergency medical ~~responder~~ care  
21 provider certified under chapter 147A and trained in emergency  
22 driving.

23 Sec. 20. Section 724.6, subsection 2, Code Supplement 2009,  
24 is amended to read as follows:

25 2. Notwithstanding subsection 1, fire fighters, as defined  
26 in section 411.1, subsection 10, airport fire fighters included  
27 under section 97B.49B, ~~emergency rescue technicians~~, and  
28 emergency medical care providers, as defined in section 147A.1,  
29 shall not, as a condition of employment, be required to obtain  
30 a permit under this section. However, the provisions of  
31 this subsection shall not apply to a person designated as an  
32 arson investigator by the chief fire officer of a political  
33 subdivision.